



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

December 12, 2003

Ms. Nancy P. Jensen
Capital Region Planning Commission
P.O. Box 3355
Baton Rouge, Louisiana 70821-3355

Dear Ms. Jensen:

This refers to the 2003 redistricting plan for the City of Plaquemine, in Iberville Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your response to our July 14, 2003, request for additional information on October 14, 2003; supplemental information was received on November 5, 2003.

We have considered carefully the information you have provided, as well as census data, comments and information from other interested parties, and other information, including the city's previous submissions. As discussed further below, I cannot conclude that the city has sustained its burden under Section 5. Accordingly, on behalf of the Attorney General, I must object to the redistricting plan.

The 2000 Census indicates that the City of Plaquemine has a voting age population of 5,240, of whom 44.31 percent are black persons. The city's board of selectmen consists of six members, elected from single-member districts to serve four-year, concurrent terms, and a mayor elected at large.

According to census data, under the benchmark districting plan currently in effect, there are three districts in which black persons are a majority of the voting age population and are able to elect candidates of choice to office. The proposed plan retains only two such districts. Districts 2 and 6 have black voting age population percentages of 80.4 and 86.9 percent, respectively, in the proposed plan. In District 3, however, the black voting age population is reduced from 51.1 percent in the benchmark plan to 48.5 percent in the redistricting plan.

Our analysis of elections shows that the level of racial polarization in voting for the city's board of selectmen, as well as other elections within the city, is such that this level of reduction, although relatively small, calls into question the ability of black voters to elect their candidate of choice. The reduction in the black voting age population percentage in District 3 was neither inevitable nor required by any constitutional or legal imperative. Alternative approaches available to the city could have avoided reducing black voting strength below the benchmark plan levels while adhering to the city's redistricting criteria as described in your submission.

Under the Voting Rights Act, a jurisdiction seeking to implement a proposed change affecting voting, such as a redistricting plan, must establish that, in comparison with the status quo, the change does not "lead to a retrogression" in the position of minority voters with respect to the "effective exercise of the electoral franchise." Beer v. United States, 425 U.S. 130, 141 (1976). In addition, the jurisdiction must establish that the change was not adopted with an intent to retrogress. Reno v. Bossier Parish School Board, 528 U.S. 320, 340 (2000). In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the submitted redistricting plan.

Since retrogression is assessed on a city-wide basis, Plaquemine may remedy this impermissible retrogression either by restoring District 3 to a district where black voters can elect a candidate of choice or by creating a new viable majority minority district elsewhere in the City.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed changes neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the changes continue to be legally unenforceable. Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

If you have any questions, you should call Ms. Judybeth Greene (202-616-2350), an attorney in the Voting Section. Refer to File No. 2003-1711 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Alexander Acosta', with a stylized, sweeping flourish extending to the right.

R. Alexander Acosta
Assistant Attorney General